

Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-REG
NAO 2007-0393/07-V2936 York River

February 22, 2007

PUBLIC NOTICE

The District Commander has received a permit application for work described below:

APPLICANT

Department of Conservation and Recreation
Attention: Mr. John Walker
11th Floor Monroe Building, 101 N. 14th Street
Richmond, Virginia 23219

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in the York River which is tributary to the Chesapeake Bay at York River State Park near the Croaker Landing Boat Ramp in James City County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to dredge approximately 1,650 cubic yards of sediment from a 44,550 square foot area (1.02 acres) in an existing channel. Approximately 560 linear feet with a top width of 68 feet and a base width of 56 feet will be dredged. The channel would be dredged to approximately -5.0 feet below mean low water. A permit was issued in June 1989 (project number 89-0419), to dredge 500 linear feet to -5.0 feet below mean low water. The new dredging would extend an additional 60 feet channel ward. A condition of the permit authorized maintenance dredging for a period of 10 years, which ended in June 1999. Maintenance dredging was performed in 1996. Sediments would be removed by hydraulic dredge method and would be pumped into an upland disposal basin. Dredging would be conducted to maintain navigable access to a public boat ramp maintained by the state.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the

impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Portions of York River contain Essential Fish Habitat (EFH) for egg, larvae, juveniles and adult life stages of 8 species including windowpane flounder, bluefish, Atlantic butterfish, summer flounder, king mackerel, Spanish mackerel, cobia and red drum. The area that would be dredged is subaqueous bottom consisting of silt, sand and clay. The area has been periodically maintenance dredged for a ten year period. The dredging would have a minimal affect on EFH as the area to be dredged is 1.02 acres. The current depths in the channel vary from -2 to -4 feet below mean low water. The current proposal would dredge the channel to -5.0 feet below mean low water. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the

Norfolk District, Corps of Engineers (ATTN: CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on **March 26, 2007**.

If you have any questions about this project or the permit process, please call:

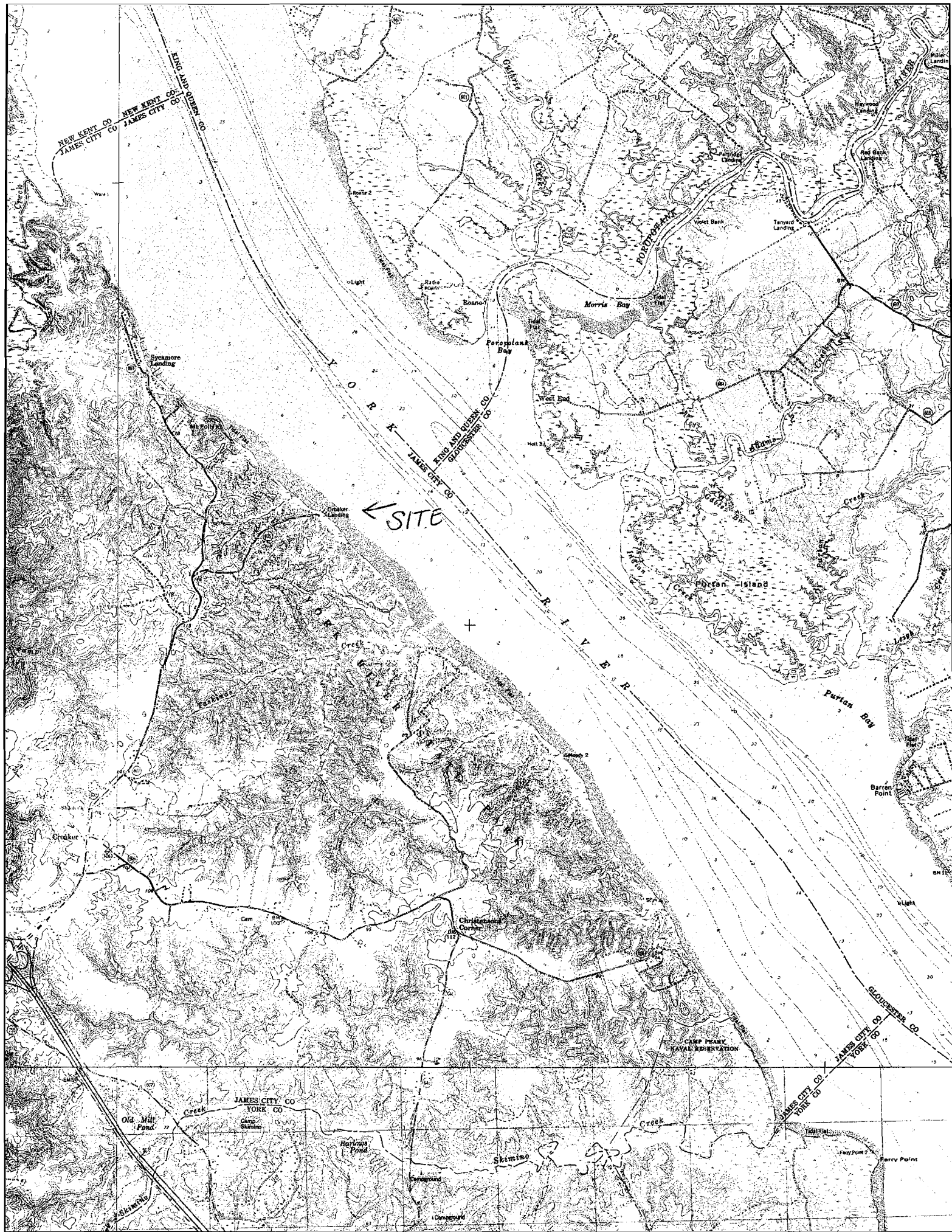
Ms. Cara Sydnor 757.201.7580.

FOR THE DISTRICT COMMANDER:

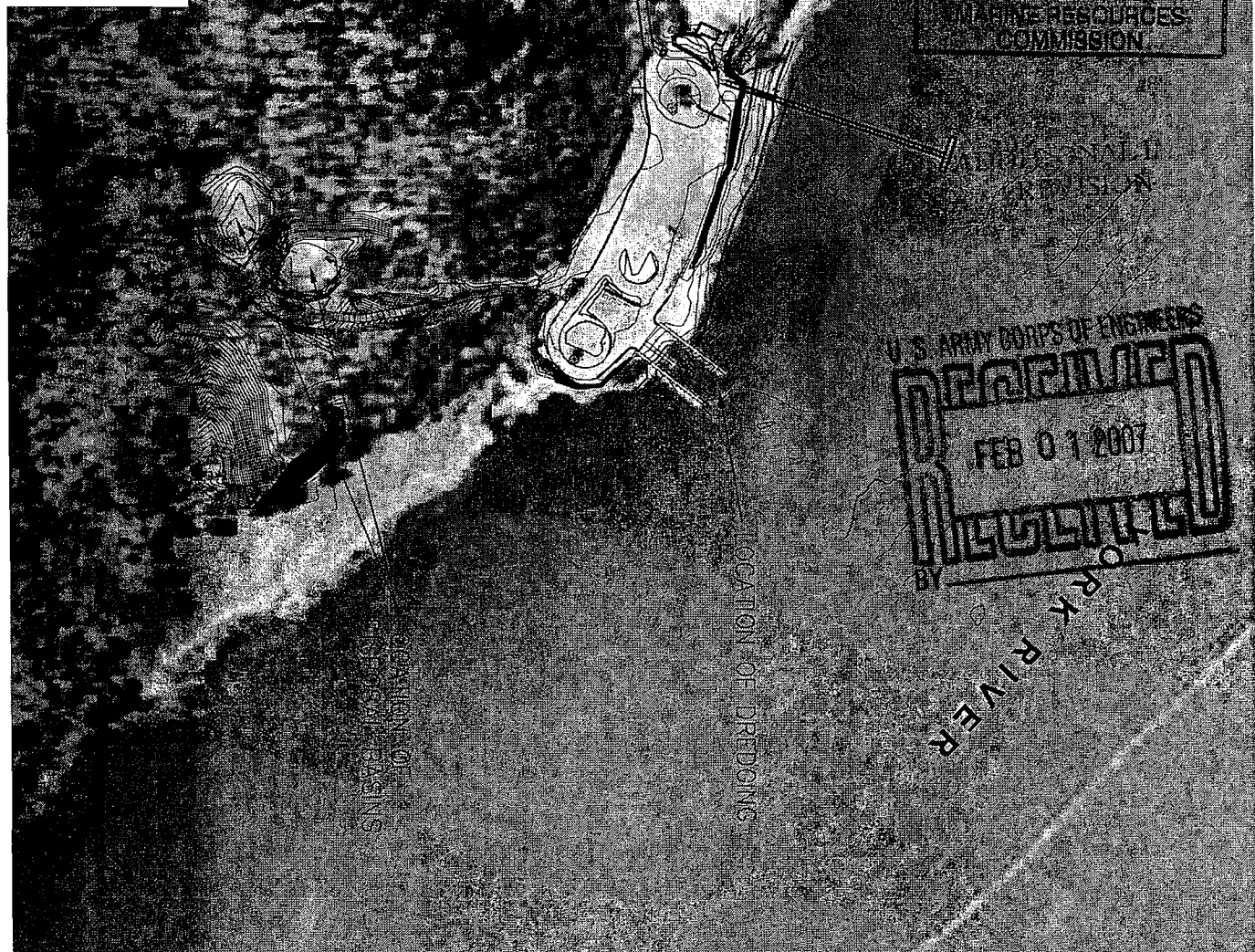
Michael A. Schwinn
Chief, Western Virginia
Regulatory Section

Attachments:

1. Location map
2. Dredge plan & disposal site



THE INFORMATION SHOWN HEREON IS BASED ON AN ACTUAL
FIELD SURVEY COMPLETED DECEMBER 2, 2003, MARCH 7,
2006 AND OCTOBER 4, 2006 AND AN AERIAL PHOTO
OBTAINED FROM THE TERRA SERVER USA (USGS) WEBSITE
ON 12/22/06. DREDGING AREA TOPOGRAPHY IS BASED ON
AN ACTUAL FIELD SURVEY COMPLETED OCTOBER 18, 2006.



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